REMARKS

Claims 12, 15, 16, 21 and 22 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 12 and 22 have been amended to recite the cuff "relieves stress between the connector in the conduit by *cushioning the conduit*". Support of this amendment is in paragraph [0046] of the application as published US2004/0239001. Applicants have amended claim 15 to remove the recitation that the connector is "formed of a hard plastic". Applicants have canceled claims 16 and 21. Withdrawal of this rejection is respectfully requested.

Claim 20 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by United States Patent No. 5,749,995 to Godeau. Claims 6, 12 and 15-22 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Godeau in view of United States Patent No. 6,334,615 to Uchiyama et al. Reconsideration and withdrawal of the rejections is requested.

Applicants have amended independent claim 6 to specify the step of "a) providing a flexible breathing conduit with an outer wall formed from a thin plastic film" and have amended independent claim 20 to specify "a) providing a thin-walled breathing conduit" Independent claim 6 further recites that "the hot molten plastic [used to form the connector] injected at a higher temperature than the melting point of said film and said soft rubber [used to form the conduit and the cuff]". Support for the amendments to independent claims 6 and 20 is provided in the application as published US2004/0239001 in paragraphs:

- [0031] - which discloses a delivery conduit for use in a medical ventilation system, and

- [0040] - which discloses the function of the sleeve to protect the outer film layer of the conduit from being melted during the over moulding process.

Paragraph [0037] reinforces the claimed breathing conduit structure, disclosing that the outer wall is formed from a ribbon applied over the support bead.

The advantage of the presently-claimed forming method is that the soft rubber shields the thin wall of the conduit from the hot molten plastic used to form the connector. The hot molten plastic is injected over the cuff at a temperature near or greater than (as recited in independent claim 6) the melting point of the conduit wall. The rubber cuff insulates the conduit, shielding it from the hot molten plastic and preventing it from melting (paragraph [0040]).

The cuff provides an interface between the flexible conduit and rigid connector, relieving stress and cushioning the conduit from any bending or pulling (paragraph [0046]).

In contrast, Godeau discloses a water tight coupling used in the cooling circuit of a vehicle engine as described in Col, 1, lines 12-13 of Godeau. The connector of Godeau is formed around an industrial strength tube (10) which can be made of metal, plastic, an elastomer or a suitable rubber, see Col. 5, lines 10-14 of Godeau. That is, the conduit 10 is clearly **not** a thin plastic film or thin-walled, and does not require protection from the material injected in the second step. Therefore, the amended claims as amended are novel over Godeau. Furthermore, there is no indication in Godeau that the cited method (illustrated in Figures 8 and 9) can be applied, or adapted for application, to a thin walled breathing conduit.

The industrial cooling system tube (10) disclosed in Godeau does not possess the same structural characteristics or require the same process considerations as a "*breathing conduit [which is] formed from a thin plastic film*".

Godeau does not discuss the distinct advantages which are present in the steps of the method claimed in the amended claims of this application (shielding the conduit and providing stress relief). There is no indication that a person of ordinary skill in the art of respiratory conduit fabrication would consider and modify the method disclosed in Godeau (for vehicle cooling system connectors) so that it was applicable to respiratory system design. Uchiyama does not remedy the deficiencies in Godeau.

Therefore, Applicants submit that independent claims 6 and 20 as amended are not anticipated and are not rendered obvious by Godeau. Reconsideration and allowance of amended claims 6 and 20 is respectfully requested.

Claims 12 and 15-19 are dependent upon claim 6 which Applicants submit is allowable. Claims 21 and 22 are dependent upon claim 20 which Applicants submit is allowable. Therefore, Applicants submit that claims 12 and 15-19, 21 and 22 are allowable. Reconsideration and allowance is requested.

A Request for Continued Examination is concurrently submitted with this Amendment.

Should the Examiner have any questions, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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